

**REMARKS**

The Examiner's attention to the present application is noted with appreciation.

The Examiner continued rejected claims 1, 27-40, and 42-55 under 35 U.S.C. § 102(b) as being anticipated by DePauli. This rejection is traversed for the reasons below.

Independent claim 1 is directed to an apparatus wherein a programmable controller "is programmable exclusively through a plurality of the power delivery conductors" and is "entirely resident within either an appliance plug or plug-in module". DePauli does not disclose such an apparatus. DePauli is directed to an apparatus which turns off a light using a low actuation touch control switch comprised of a flexible membrane with conductors on one side and attached to a rigid support on the other side. Not only does DePauli fail to disclose a programmable control unit, or microprocessor, being disposed entirely in an outlet plug, DePauli in fact teaches away from this by stating that "a microprocessor **20** is used in the control circuit **4**. (col. 4, lines 13-15). Additionally, Fig. 1 shows interface plug **1** separated from controller **4** by lamp **2**. In addition, DePauli shows a touch switch **30** which is connected to a microprocessor **20** (col. 5, lines 28-30). DePauli does not claim that the touch switch **30** or control circuit **4** is within the plug, and in fact, such a location would make the device difficult to use.

Dependent claim 27 is directed to an apparatus of claim 1 wherein said plurality (of power delivery conductors) numbers no more than four. DePauli describes control to take place via a touch switch membrane **30** (col. 6, lines 19-29 and 40-44), and does not disclose a means to implement programming. In particular, DePauli does not disclose a means to implement programming exclusively through a plurality of power delivery conductors. DePauli Fig. 1 shows at least ten lines communicating control to microprocessor **20**, specifically HIGH, MID, LOW, DIM, and leads 1 through 6 (L1 – L6). Additionally, these connections are not power delivery conductors, they are leads that transmit brightness level requests when a circuit is shorted, by allowing electricity to flow.

Dependent claims 28 and 29 are directed to power delivery conductors. DePauli Fig. 1 discloses no power delivery conductors. DePauli Fig. 1 discloses leads from the touch switch membrane **30** to the microprocessor **20**.

Dependent claim 30 is directed a programming signal comprising a series of pulses. DePauli does not disclose programming signals comprising pulses.

Dependent claim 31 does not mention a mixture of direct and alternating current signals. DePauli does not disclose a series of pulses applied to two power delivery conductors to control data or clock lines during programming.

Dependent claim 32 is directed to a mixture of direct and alternating current signals applied to power delivery conductors. Nowhere does DePauli disclose a mixture of direct and alternating current signals.

Dependent claim 33 is directed to a mixture of direct and alternating current signals applied to programmable mode. Nowhere does DePauli disclose a mixture of direct and alternating current signals placing programmable controller (microprocessor) **20** into a programming mode.

Dependent claims 34-36, 38-40, 42-49, 51, and 52 are directed to a programmable microcontroller that controls an appliance so as to enable the appliance to perform in a manner different from its original design. Nowhere does DePauli disclose such a programmable microcontroller. Nowhere in Fig. 1 is a programmable microcontroller disclosed. Fig. 1 discloses a fixed program microprocessor. DePauli's Fig. 10 is a flow diagram of that fixed program.

Dependent claims 53-55 are directed to internal electrostatic discharge protection diodes. Nowhere does DiPauli disclose such diodes. DiPauli discloses diodes **8**, specifically half-wave rectifier diodes and zener voltage-regulator diodes.

Dependent claims 37 and 50 are directed to a microcontroller comprised of transistors with transistor, thyristor, triac and combinations (the power-switching or power-controlling elements) that are the interface between the apparatus being controlled and the microcontroller. Nowhere does DePauli disclose a controller for protecting an appliance or apparatus; DiPauli discloses a microprocessor that dims lights. Regarding Chang disclosing a microprocessor having transistors, all microprocessors are comprised of transistors. Therefore, the combination of DiPauli and Chang fails to anticipate that portion

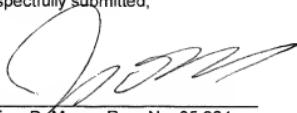
of applicant's claims directed to a programmable controller that controls a transistor, thyristor, triac, or combinations thereof.

In view of the above remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Respectfully submitted,

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